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Office of Logistics
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OLC 79-0917

9 March 1979

MEMORANDUM FOR: See Distribution

FROM: [redacted]

Chief, Legislation Division, OLC

SUBJECT: Sunset Legislation, S. 2, H.R. 2

1. To date this office has received close to twenty Sunset bills. S. 2 and H.R. 2 -- which are being sent for your review and comment -- are just two exemplars of the lot.

2. The concept of Sunset Legislation is not new to the U.S. Congress. Senator Edmund Muskie's (D., Maine) legislation has been around since the 94th Congress. However, unlike during the 94th and 95th Congresses, Sunset Legislation, in one form or another, now has considerable Congressional support -- in both Houses. A quick count of the sponsors of S. 2 puts the number at 63; on the House side H.R. 2 lists some 163 sponsors. In addition, the Administration supports the concept of Sunset. In point of fact Senator Muskie was able -- in the waning days of the 95th Congress (less than a week before adjournment) to get his bill through the Senate by a vote of 87-1. S. 2 is identical to the bill that got by the Senate in the last Congress. The House, on the other hand, has never acted on the issue. Accordingly, the fate of Sunset is much less certain there. Sunset bills introduced in the House in the 95th Congress never emerged from Committee. However, a Common Cause survey taken last fall shows some sort of Sunset Legislation being favored 325-6 by those elected in November. The Congressional Quarterly quotes House Speaker Thomas P. O'Neill, Jr. (D., Mass.) as indicating that Sunset Legislation and oversight would be among the "hallmarks" of the 96th Congress (Congressional Quarterly, 13 January 1979, pp. 57-59).

3. In a nutshell, the Sunset concept calls for the automatic termination of funding for Federal programs unless they are specifically renewed after a comprehensive review. Congress would periodically reauthorize programs after a comprehensive review; funding of a Federal program would be terminated after a date set by law unless Congress

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evaluated the program and took positive action to renew it. Advocates of Sunset Legislation see it as a way to get control of the Federal budget and to get rid of wasteful and outdated Federal programs that are usually routinely renewed by Congress. Opposition to Sunset has come most significantly from some committee chairmen who feel it would erode their authority, give them a heavy workload and perhaps cause inadvertent termination of some worthwhile programs.

4. S. 2 and H.R. 2 are substantially the same bills and encompass what is contained in most all of the other bills introduced. H.R. 2 differs from S. 2 due to the fact that it contains an extra title (VII) subjecting to the Sunset concept tax expenditures such as tax credits or deductions.

5. For your convenience we have provided at Tab A a listing of the major provisions of subject legislation. At Tab B you will find some initial comments with regard to the impact of the legislation on the Agency. We hope these will be of help in your review process. These bills could begin to move at anytime. Accordingly, we would ask that you review and send whatever comments you might wish to register to [redacted] of my staff before COB, Friday, 30 March 1979.

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Attachments:
As Stated

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1 - OGC [redacted]
1 - Comptroller [redacted]
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